

176.051 Department to eradicate noxious weeds and invasive plants on rights-of-way -- Advertisement of program -- Administrative regulations.

- (1) The Department of Highways shall keep all state rights-of-way free of all of the following, which are noxious weeds and invasive plants:
 - (a) The species of grass, *Sorghum halepense*, commonly known as Johnson grass;
 - (b) The species of weed commonly known as giant foxtail;
 - (c) The thistles *Cirsium arvense* and *Carduus nutans*, commonly known as Canada thistles and nodding thistles, respectively;
 - (d) Multiflora rose;
 - (e) Kudzu;
 - (f) Poison hemlock;
 - (g) Maretail;
 - (h) Amur honeysuckle;
 - (i) Japanese knotweed; and
 - (j) Common teasel.
- (2) Upon written request, the department shall give priority to and shall cooperate with any abutting property owner engaged in a program of eradication by eradicating the noxious weeds and invasive plants identified in subsection (1) of this section, or in administrative regulations promulgated pursuant to subsection (4) of this section, from abutting state rights-of-way. The department shall take steps to eradicate this grass and these weeds or thistles by the use of chemicals or any other means found to be effective by the department.
- (3) The Department of Highways shall inform property owners of the availability of the eradication program. In carrying out this responsibility the department shall, no later than the first week in March of every year, advertise in each county, pursuant to the provisions of KRS Chapter 424 that the program is available. The department shall stipulate in the advertisement the place and manner in which an interested property owner may make a written request for inclusion in the program. The department shall also promote awareness of the availability of the eradication program through the use of electronic media and the Cooperative Extension Service.
- (4) (a) The Department of Highways may by administrative regulation add noxious weeds and invasive plants to or delete them from the list of noxious weeds and invasive plants enumerated in subsection (1) of this section. In making a determination regarding a noxious weed or invasive plant, the department may consider the following:
 1. The plant's ability to directly or indirectly injure or cause damage to crops, livestock, poultry, or other interests of agriculture;
 2. The plant's impact on the public health;
 3. The plant's impact on the environment; and
 4. The level of difficulty associated with controlling or eradicating the plant.

- (b) The department shall review this administrative regulation at least once every four (4) years.
- (c) For purposes of this subsection, "livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes, and any other animals of the bovine, ovine, porcine, caprine, equine, or camelid species.

Effective: June 29, 2017

History: Amended 2017 Ky. Acts ch. 129, sec. 7, effective June 29, 2017. -- Amended 2014 Ky. Acts ch. 53, sec. 1, effective July 15, 2014. -- Amended 1990 Ky. Acts ch. 433, sec. 3, effective April 10, 1090. -- Amended 1984 Ky. Acts ch. 29, sec. 1, effective July 13, 1984. -- Amended 1980 Ky. Acts ch. 28, sec. 1, effective July 15, 1980. -- Amended 1976 Ky. Acts ch. 80, sec. 1, effective March 29, 1976. -- Amended 1974 Ky. Acts ch. 74, Art. IV, sec. 20(1). -- Amended 1968 Ky. Acts ch. 65, sec. 1. -- Amended 1960 Ky. Acts ch. 149, sec. 1, effective June 16, 1960. -- Created 1956 (2d Extra. Sess.) Ky. Acts ch. 2, sec. 1.